

SENATE BILL 1691

By Herron

AN ACT to amend Tennessee Code Annotated, Title 36;
Title 37; Title 39 and Title 68, relative to exposure
to methamphetamine.

WHEREAS, exposure to methamphetamine and the chemicals used to make methamphetamine is dangerous for anyone, but is especially dangerous for children, and children who are discovered in proximity to methamphetamine production facilities need special and immediate attention from medical, legal and social welfare professionals; and

WHEREAS, exposure to methamphetamine or the chemicals used to make methamphetamine may result in a variety of progressive health conditions that may not be readily apparent to non-medical professionals, but for which early detection may be greatly beneficial to the child; and

WHEREAS, it is the intention of the General Assembly to take appropriate steps to detect methamphetamine exposure in children as early as possible in order that appropriate medical care may be provided to such children; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, is amended by inserting Sections 2 through 7 below as a new, appropriately designated part thereto.

SECTION 2. This part shall be known and may be cited as the "Methamphetamine Exposure Detection Act of 2007."

SECTION 3. There is created in the department of health a division of methamphetamine exposure detection. The purpose of the division shall be to detect methamphetamine exposure in Tennessee children and to report such exposure to appropriate officials who can provide medical, child welfare and law enforcement assistance to such

children, as well as to study the incidence, prevalence and severity of such exposure and make recommendations concerning the protection and assistance of Tennessee children so exposed.

SECTION 4. The department of children's services shall retrieve a hair follicle sample, urine sample, or such other biological sample as may be required by the division from any child in the custody of the department of children's services who the department of children's services believes may have been exposed to methamphetamine or related chemicals and shall forward that specimen to the division. The division shall be responsible for testing or having tested that specimen or specimens in order to determine whether the child has been exposed to methamphetamine or chemicals used in the production of methamphetamine and the level of such exposure. The results of the methamphetamine exposure test shall be reported to the department of children's services and to the child's treating physician, if known. The department of children's services also shall report the results of the exposure test to any physician or dentist who the department is aware is treating such child, and such results shall be disclosed by the division or the department to any physician or dentist who requests such information for the purpose of treating the child. The division may disclose such information to law enforcement personnel upon presentation of a valid court order.

SECTION 5. The division shall aggregate data on the incidence, prevalence and severity of methamphetamine and related chemical exposure in Tennessee children and shall use such information for appropriate public health purposes, including providing public reports on such exposure in the discretion of the division and providing annual reports on the progress of the division's work to the governor and the general assembly. No personally identifiable information about any child shall be disclosed in any manner by the division except as allowed or required by this part. Aggregated data which does not contain personally identifiable information may be used by the division for any appropriate public health purpose. The division shall comply with the federal Health Insurance Portability and Accountability Act of 1996 and the

regulations promulgated pursuant to that act in its storage, use and disclosure of data related to Tennessee children.

SECTION 6. Nothing in this part shall be construed to prevent any release of information by any party that otherwise would be allowed pursuant to state and federal law.

SECTION 7. The commissioner of health is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.